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Negotiation -- Spring 1991

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Readings

All materials listed below, except for Fisher & Ury, Getting to Yes and Fisher & Brown, Getting Together are included in this packet. (Most of the included materials are heavily edited excerpts. The original citations provided here are for reference purposes only.) Each week, during class, I will let you know which of the readings for the coming session deserve particular attention and which to consider as optional material.

For January 11th:

	Page
1. Fisher & Ury, <u>Getting to Yes</u> , (Penguin, 1981).	
2. General Instructions to Populator Pricing Exercise.	01
3. Fill out Negotiation Questionnaire.	03

For January 25th:

4. Fill out Awareness Review Forms.	06
5. Lax & Sebenius, "The Negotiator's Dilemma: Creating and Claiming Value," (Chapter 2 of <u>The Manager as Negotiator</u> , Free Press, 1986) pp. 29 - 45.	08
6. Menkel-Medow, "Toward Another View of Legal Negotiation: The Structure of Problem-Solving," 31 <u>UCLA Law Review</u> 755 (1984).	14
7. Williams, "The Negotiating Patterns of Practicing Lawyers," from <u>Legal Negotiation and Settlement</u> , excerpted in S. Goldberg, E. Green, and F. Sander, <u>Dispute Resolution</u> 49 - 56 (Little Brown, 1985).	37

For February 1:

8. Fill out Negotiation Review Forms.	41
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9. Meltsner & Schrag, "Negotiating Tactics for Legal Services Lawyers," 7 The Clearinghouse Review (1973). 43
10. Coleman, "Negating Negotiation Avoidance Techniques," 34 The Practical Lawyer 7 (1988). 47
11. C. Karras, "Tactics, Deadlock, and Countermeasures," (Chapter 14 of The Negotiating Game, Crowell, 1970), pp. 170 - 198. 54
12. G. Nierenberg, "Negotiating Techniques," (Chapter 10 of Fundamentals of Negotiating, Harper & Row, 1973) pp. 147 - 180. 64

For February 15:

Stan & Mark

13. Harvard Negotiation Project Resource Materials. 72
14. Fisher, "Notes on Intra-Group Negotiation". 82
15. H. Raiffa, "Many Parties, Many Issues," "Coalition Analysis," and "The Law of the Sea" (from The Art and Science of Negotiation, Belknap Press, 1982) pp. 251 - 287. 88
16. S. Goldberg, E. Green, and F. Sander, "Mediation" in Dispute Resolution 49 - 56 (Little Brown, 1985) pp. 91 - 101. 102

For March 1:

Role Rev.

17. CMI² Systematic Preparation Tool. 107
18. Choose a case for Role Reversal Exercise 111
19. Fisher, "A Code of Negotiation Practices for Lawyers," 1 Negotiation Journal 105 (April 1985). 112
20. Steele, "Deceptive Negotiating and High-Toned Morality," 39 Vanderbilt Law Review 1387 (1986). 116

For March 8:

Mark

21. Fisher & Brown, Getting Together (Penguin, 1988).

For March 15:

- 22. Harvard Negotiation Project Resource Materials. 129
- 23. Siedel, "Intersections of Business and Legal Dispute Resolution: Decision Analytic Modelling of Litigation Investment Decisions," J. Dispute Resolution 107 (1988). 146
- 24. Victor, "The Proper Use of Decision Analysis to Assist Litigation Strategy", 40 Business Law 617 (1985). 151

For March 22:

- 25. S. Goldberg, E. Green, and F. Sander, Dispute Resolution (Little Brown, 1985) pp. 7 - 13. 164
- 26. Fiss, "Against Settlement," 93 Yale Law Journal 1073 (1984). 168
- 27. Edwards, "Alternative Dispute Resolution: Panacea or Anathema?" 99 Harvard Law Review 668 (1986). 174

For March 29:

- 28. Bush, "Defining Quality in Dispute Resolution: Taxonomies and Anti-Taxonomies of Quality Arguments," 66 U. Denver Law Review 335 (1989). 183
- 29. Luban, "Quality of Justice," 66 U. Denver Law Review 381 (1989). 197
- 30. Ertel, "Litigation Alternatives: Designing Procedures to Fit the Dispute," Sloan Management Review (forthcoming Summer 1991). 215

For April 5:

- 31. Fisher, "Negotiating Inside Out". 239
- 32. "When and How to Use the Framework and Tools", "Going Forward". 248

Copies of Overheads for all meetings

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